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U.S. Serial No. 10/022,049

Response to the Office Action of July 12, 2006

REMARKS

Claims 1-4, 6-19, and 21-32 remain pending and at issue in the above identified patent application. Of the claims at issue, claims 1, 16, and 32 are independent. In view of the foregoing amendments and the following remarks, reconsideration of the application is respectfully requested.

As an initial matter, in the Advisory action, the examiner suggested that the claims be amended to clearly identify how the data is temporally sorted, as the examiner believes that the previous "based on a current" language may be met "at a current time." Accordingly, the applicants have amended the claims to clearly indicate that the data is not temporally sorted "at a current time," but rather the data is temporally sorted by comparison of a current time to a time associated with the data, into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future.

Support for this amendment may be found, for example, in the detailed description, and at least in paragraphs [0026] to [0027], paragraphs [0085] to [0087], and [0088] to [0098].

The Rejections under 35 U.S.C. § 102

Independent claim 32 is rejected as anticipated by Bhatt (US 2002/0073426) as described in the action. In light of the following remarks, the applicants respectfully request that the rejection be withdrawn.

As amended Independent claim 32 is directed to a system for efficient storage of data including a processor that directs that data be temporally sorted by comparison of a current time to a time associated with the data, into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future. Bhatt does not teach or suggest temporally sorting data by comparison of a current time to a time associated with the data.

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In contrast, Bhatt describes a system wherein a selection algorithm periodically (typically daily) receives electronic program guide (EPG) data, and sorts the data based upon user preferences, and not on any temporal considerations, let alone by comparison of a current time to a time associated with the data. Specifically, Bhatt fails to teach or suggest a system that temporally separates data into data to be immediately accessed and data to be accessed in the distant future. Rather, Bhatt describes that the EPG data stored in the memory module (i.e., the most rapid access) is obtained by identifying "preferred data" and accordingly, Bhatt describes a system that separates EPG data into data that is preferred (i.e., a user will likely access the EPG data) and non-preferred (i.e., a user will not likely access the EPG data) regardless and without comparison to a current time (e.g., a current time or time period).

The recited language in claim 32 is directed to *how* the received data is sorted, i.e., what criteria is used to sort data received by the processor. As recited in amended claim 32, data is "temporally sorted by comparison of a current time to a time associated with the data, into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future." In Bhatt, however, data is sorted by "the following information entered by the user(s): five most frequently viewed channels 442, five most viewed programs 444, five most viewed program types 446 and the five most viewed time slots 448." In each of these described examples, data is sorted without comparison to any temporal conditions. *When* the data is actually sorted (i.e., after the daily download) is irrelevant, as the data itself must be temporally sorted regardless of when that sorting occurs.

Therefore due to the deficiencies in Bhatt, it follows that Bhatt cannot anticipate claim 32 or any claims dependent thereon. In particular, because Bhatt does not disclose or suggest temporally sorting data by comparison of a current time to a time associated with the data,

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into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future, Bhatt cannot anticipate claim 32.

Accordingly, for the foregoing reasons, it is respectfully submitted that claim 32 is in condition for allowance.

The Rejections under 35 U.S.C. § 103

The remaining claims were rejected as being unpatentable over Tsukidate (US 6,507,950) in view Bhatt (US 2002/0073426). It is respectfully submitted that all claims are similarly allowable over these patents for at least the reasons set forth below.

As amended, independent claims 1 and 16 are generally directed to a system and/or method of organizing electronic program guide data by a comparison of time based event horizons, similar to claim 32. In particular, claim 1 recites, *inter alia*, a system for organizing data wherein a processor directs that the data be temporally sorted by comparison of a current time to a time associated with the data, into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future. Claim 16 recites, *inter alia*, a method for organizing data, wherein a processor controls the storage and manipulation of the data between the physical memory and the mass storage device so that the data is temporally sorted by comparison of a current time to a time associated with the data, into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future.

As noted, claims 1 and 16 were rejected as obvious over Tsukidate in view Bhatt. However, neither Tsukidate nor Bhatt, either alone or in combination, describes or suggests temporally sorting data by comparison of a current time to a time associated with the data, into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future.

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In contrast, Tsukidate does not describe or suggest that the data is temporally sorted into data that is most likely to be accessed. This deficiency is again acknowledged by the examiner (Office action; page 6).

In an attempt to cure the noted deficiency of Tsukidate, the examiner relies upon Bhatt. As illustrated above, however, Bhatt similarly fails to describe or suggest temporal sorting of data by comparison of a current time to a time associated with the data, into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future.

Therefore, due to the deficiencies in both Tsukidate and Bhatt, it follows that no combination of Tsukidate and Bhatt can render obvious claims 1, 16, or any claims dependent thereon. In particular, because neither Tsukidate nor Bhatt discloses temporally sorting data by comparison of a current time to a time associated with the data, into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future, no combination of Tsukidate and Bhatt obviate the claims. Accordingly, it is respectfully submitted that claims 1, 16, and all claims dependent thereon are in condition for allowance.

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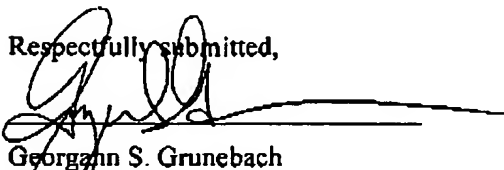
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Conclusion

Reconsideration of the application and allowance thereof are respectfully requested.

If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,


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Dated: November 9, 2006
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